

MICHIGAN DEPARTMENT OF CORRECTIONS POLICY DIRECTIVE		EFFECTIVE DATE 01/01/2006	NUMBER 02.01.140
SUBJECT HUMAN RESOURCE FILES		SUPERSEDES 02.01.140 (09/19/05)	
		AUTHORITY MCL 15.231, et seq.; 423.501 et seq.; 445.81 et seq.	
		ACA STANDARDS 4-4048; 4-4067; 4-4068; 1-CTA-1C-01; 2-CO-1C-23; 3-ACRS-1C-14; 3-ACRS-1C-15; 3-ACRS-1C-02; 3-3047; 3-3066; 3-3067; 1-ABC-1C-02; 1-ABC-1C-15; 1-ABC-1C-16	
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POLICY STATEMENT:

Human Resource (HR) files shall be established, maintained and accessed only as set forth in this policy directive.

POLICY:

GENERAL INFORMATION

- A. The Bureau of Human Resources (BHR) shall establish and maintain all HR files identified in this policy. HR files required to be established by another Department policy (e.g., discriminatory harassment files) shall be established and maintained in accordance with that policy. Other specialized files (e.g., grievance files; workers compensation files; expungement files) may be established and maintained by BHR as needed to fulfill the responsibilities of that Bureau, with authorization of the BHR Administrator or designee. However, except as specifically authorized by this policy, all HR files must be kept in a secure area within the BHR Office responsible for maintaining the file. The secure area shall be kept locked except during business hours when staff are physically present. The files shall be under the supervision and control of assigned BHR staff.
- B. An employee's social security number shall not be publicly displayed or released outside of the Department except as authorized by the employee, state or federal law, court rule or order, Civil Service rules or regulations, or Department policy. Employees shall have access to other employees' social security numbers only as required in the performance of their official job duties. If a document containing an employee's social security number is mailed within or outside of the Department, none of the social security number shall be visible on or, without manipulation, from outside of the envelope or packaging to ensure against inadvertent disclosure. Any document containing an employee's social security number shall be shredded prior to being disposed of unless an alternate disposal method is established by the BHR Administrator.
- C. Exclusively represented employees shall be governed by their collective bargaining unit agreement where in conflict with this policy.

HR FILES - EMPLOYEES

- D. In accordance with the Bullard-Plawecki Employee Right to Know Act (MCL 423.501 et seq.), employee HR files shall not include any of the following information under any circumstances:
 1. Employee references supplied to an employer, if the identity of the person making the reference would be disclosed.
 2. Materials relating to the Department's staff planning with respect to more than one employee.
 3. Information of a personal nature about a person other than the employee.
 4. Notes kept by a supervisor that are not provided or accessible to others.

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5. Information relating to investigations by the Department that did not result in discipline.
6. Grievance records.

Medical File

- E. The appropriate HR office shall create a medical file for each employee at the time of hire. Whenever an employee transfers within the Department to a work location with a different HR office, the file shall transfer to the new HR Office as set forth in Paragraphs P and Q. The new HR Office shall be responsible for maintaining the file.
- F. An employee's medical file shall contain all of the employee's medical reports and records made or obtained by the Department, any medical information referring to the diagnosis, prognosis or history of medical illness/injury, and results of physical fitness/medical screening required pursuant to PD 02.06.111 "Employment Screening". The file also shall contain medical records regarding an employee's disability and any accommodation provided pursuant to PD 02.06.101 "Employees and Job Applicants with Disabilities". A separate folder within the medical file shall contain all documents created or received after April 14, 2003, that are related to the employee's enrollment in a State health plan, unless archived electronically (e.g., HRMN transactions), and other documents as directed by the Department of Civil Service in accordance with requirements of the Health Insurance Portability and Accountability Act ("HIPAA"). Under no circumstances shall documents and information required to be retained in the medical file be kept in the employee's personnel or officer recruit training file.

Officer Recruit Training File

- G. There shall be one officer recruit training file for each officer recruit attending new employee school, which shall be created and maintained by the Office of Training and Recruitment, BHR. The file shall contain all documentation relevant to the officer recruit's training, including, but not limited to, the following:
 1. Training schedule and on-the-job training reports.
 2. Signed policy/procedure check-off list.
 3. All written test results, including practical and physical skills testing results.
 4. Time and attendance reports.
 5. Signed receipt for the Employee Handbook and Misconduct Pocket Guide as well as signed acknowledgment of receipt of information on controlled substance and alcohol testing requirements and completion of required training on applicable health and safety standards.
 6. Performance reports and any written counseling and disciplinary action received by the officer recruit.
 7. Departure report.
- H. Documents and information required to be maintained in an employee's medical file shall not be retained in the officer recruit training file. If such documents or information are prepared or received during officer recruit training, they shall be sent to the appropriate HR office for placement in the employee's medical file.
- I. Upon successful completion of officer recruit training, signed receipts and copies of any counseling and disciplinary action shall be sent to the appropriate HR Office for placement in the appropriate personnel file. The documents shall be sent to that office in a sealed envelope marked "personal and confidential"

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and addressed specifically to the HR Officer. All other documents shall remain in the training file. For officer recruits who do not successfully complete officer recruit training, all documents shall remain in the training file. Documents in the training file shall be retained in accordance with the Department's Retention and Disposal Schedule.

Personnel File

- J. The appropriate HR office shall create a personnel file for each employee at the time of hire. Whenever an employee transfers within the Department to a work location with a different HR office, the file shall transfer to the new HR office as set forth in Paragraphs P and Q; the new HR office shall be responsible for maintaining the file.
- K. An employee's personnel file shall contain all official documentation regarding the employee's employment with the Department. This includes, but is not limited to, the following:
 - 1. Documents identifying the employee's current address, telephone number, insurance, beneficiary designations and tax deductions.
 - 2. The signed Pre-Employment Application, Oath of Office form, computer security agreement forms, Driver's License Verification form as required by PD 01.03.120 "Vehicle Use", receipts for copy of Civil Service rules and Employee Handbook, and, if applicable, acknowledgment that the employee was advised that the position is designated for controlled substance and alcohol testing.
 - 3. Documentation regarding all appointments, reallocations and transfers of the employee within the Department.
 - 4. Written performance reviews and, subject to Paragraph N all interim unsatisfactory service rating forms, written counseling and disciplinary action received by the employee.
- L. Employees who are required to be licensed for their positions shall provide the appropriate HR office with a copy of the license and all renewals for placement in the Personnel file.

Expungement/Correction of Documents in Personnel File

- M. Employee disciplinary action, including unsatisfactory service ratings, shall be removed from the employee's personnel file as set forth in PD 02.03.100 "Employee Discipline". Written counseling shall be removed from the employee's personnel file as set forth in PD 02.03.130 "Corrective Action for Performance Problems".
- N. An employee may challenge the accuracy of information in his/her personnel file and request that the information be corrected or removed. The information shall be corrected or removed, as appropriate, if the HR Officer or designee agrees that the information is inaccurate. If the HR Officer or designee determines that the information is correct, the employee may submit a written statement to be placed in the file regarding the information in question. The statement will be provided with the information whenever the challenged information is requested from the file.
- O. Disciplinary actions, counseling or other documents removed from an employee's personnel file pursuant to this section may be retained for documentation purposes in expungement files authorized by the BHR Administrator; however, documents removed from the personnel file by court or administrative order (e.g., from the Civil Service Commission) shall not be retained in any BHR file.

Transfer and Retention of Medical and Personnel Files

- P. When an employee transfers within the Department to a work location with a different HR office, the HR Officer of the departing work location shall ensure the personnel and medical files are sent to the new

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HR office as soon as possible. When an employee transfers to another State department, only the employee's insurance cards and documents that affect payroll history for consideration when the employee retires (e.g., covered service, deferred hours) shall be transferred to the new HR office; the employee's medical file and the remainder of the personnel file shall be placed in inactive files and retained in accordance with the Department's Retention and Disposal Schedule.

- Q. Files and file contents transferred to a new HR office shall be sent to that office in a sealed envelope marked "personal and confidential" and addressed specifically to the new HR Officer.

HR FILES - OTHER

Position File

- R. There shall be one position file for each position within the Department. The file shall be created and maintained by the HR office establishing the position. The file shall contain material relating to the establishment of the position and all action taken on the position, including but not limited to the following:
1. The Position Action Request form (CS-129).
 2. Any information on selective certification, sub-class codes, and reclassification requests for the position.
 3. All Position Description forms for the position.
 4. Documentation that the position is designated for controlled substance and alcohol testing pursuant to Civil Service Commission rules, if applicable.

Selection File

- S. There shall be one selection file created for each new or vacant position to be filled. The file shall be created and maintained by the HR office filling the position and shall contain all documentation required to be included in the selection plan for the position.

ACCESS TO HR FILES

- T. Except as otherwise set forth in this section, all requests to inspect or receive copies of documents contained in an HR file shall be processed in accordance with PD 01.06.110 "Freedom of Information Act - Access to Department Public Records".
- U. Disciplinary reports or other records of disciplinary action shall be divulged only as set forth in PD 02.03.100 "Employee Discipline".
- V. Records or documents contained within the HIPAA folder in an employee's medical file shall be disclosed consistent with HIPAA requirements, as directed by the Department of Civil Service.

Access By Employee and/or Representative to Employee's Personnel and Medical Files

- W. Upon written request, an employee and/or a representative authorized in writing by the employee shall be permitted to review the employee's personnel and medical files. The request shall be submitted to the HR office for the employee's work site for approval. The employee/representative shall be permitted only two reviews per calendar year unless the HR Officer or designee determines there were substantive changes to the file contents since the last review.
- X. An employee and/or representative who wants to review a file pursuant to Paragraph W must make prior arrangements to do so with the appropriate HR Officer or designee. Reviews shall take place in

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the HR office during the regular business hours of that office, unless otherwise approved by the HR Officer or designee. The HR Officer or designee must be present during the review. The employee shall not earn overtime or compensatory time for the time spent reviewing the file.

- Y. Upon written request, an employee and/or a representative authorized in writing by the employee shall be provided one free copy of documents in the employee's personnel and medical file. The request shall be submitted to the HR office for the employee's work site for approval. The employee/representative shall be provided free copies of documents from the employee's file no more than once per calendar year; subsequent requests for copies of documents shall be provided only upon payment of a reasonable fee, as determined by the BHR Administrator. The fee shall not exceed the actual cost of duplicating the documents.

Access By Other Department Employees

- Z. BHR staff shall have access to HR files as needed to perform their job responsibilities. Documents and information in HR files shall be available to other Department employees in the performance of their job responsibilities only as set forth below and consistent with Paragraphs U and V:
1. To the employee's supervisor if the appropriate HR Officer concurs there is a demonstrated need.
 2. To the Office of Audit, Internal Affairs and Litigation when needed for pending litigation, internal audits and internal investigations, as appropriate. Similar access shall be provided to local litigation coordinators for pending litigation and, if the appropriate HR Officer concurs there is a demonstrated need, to other Department staff assigned to conduct an internal investigation.
 3. To staff designated as appointing authorities (e.g., Wardens; Field Operations Administration (FOA) Regional Administrators; BHR Administrator) for the position.
 4. To the Director and other staff authorized by the Director.

Access By Non-Department Employees

- AA. Documents and information contained in HR files shall be available to non-department employees only as follows and consistent with Paragraphs U and V:
1. Pursuant to a signed release, subpoena or other court order.
 2. To staff of the Department of Attorney General when needed for pending litigation.
 3. To investigators for the Department of Civil Rights and the State's Bureau of Workers' and Unemployment Compensation when needed for a pending complaint.
 4. To law enforcement agencies when needed for a pending criminal investigation.
 5. To auditors in the Office of Auditor General when needed for a pending audit.
 6. To staff of other state or federal agencies who have demonstrated authority to have access to documents or information in the files, as determined by the appropriate HR Officer after consultation with the BHR Administrator or designee.

OPERATING PROCEDURES

- BB. Operating procedures are not required for this policy directive.

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AUDIT ELEMENTS

- CC. A Primary Audit Elements List has been developed and is available on the Department's Document Access System to assist the Administrator of the Office of Training and Recruitment and Regional BHR Managers with self audit of this policy, pursuant to PD 01.05.100 "Self Audit of Policies and Procedures".

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